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9

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 **TREMAYNE J. COLLIER,**

Petitioner,

15
16 v.

17 **ANTHONY HEDGPETH, Warden,**

18 Respondent.
19

C 07-5964 SI (PR)

**MOTION TO ENLARGE
TIME TO FILE RESPONSE
TO PETITION FOR WRIT OF
HABEAS CORPUS**

20 Pursuant to Civil L.R. 6-3 and Habeas L.R. 2254-6, respondent hereby requests a 60-
21 day extension of time, until July 1, 2008, in which to file a response to the petition for writ of
22 habeas corpus. Good cause for the extension is set forth in the accompanying declaration of
23 counsel. We have not attempted to contact petitioner about this extension of time because he is
24 an incarcerated state prisoner who is representing himself.

25 WHEREFORE, respondent respectfully requests that this Court grant an extension of
26 time to and including July 1, 2008, in which to file an answer or other responsive pleading.

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28 ///

1 Dated: May 2, 2008

2 Respectfully submitted,

3 EDMUND G. BROWN JR.
Attorney General of the State of California

4 DANE R. GILLETTE
Chief Assistant Attorney General

5 GERALD A. ENGLER
Senior Assistant Attorney General

6 PEGGY S. RUFFRA
7 Supervising Deputy Attorney General

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9 /s/ Michele J. Swanson
10 MICHELE J. SWANSON
Deputy Attorney General
Attorneys for Respondent

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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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13

14 **TREMAYNE J. COLLIER,**

Petitioner,

15
16 **v.**

17 **ANTHONY HEDGPETH, Warden,**

18 Respondent.
19

C 07-5964 SI (PR)

**DECLARATION OF
COUNSEL IN SUPPORT OF
MOTION TO ENLARGE
TIME TO FILE RESPONSE
TO PETITION FOR WRIT OF
HABEAS CORPUS**

20 I, MICHELE J. SWANSON, declare under penalty of perjury as follows:

21 I am a Deputy Attorney General for the State of California and am assigned to
22 represent respondent in this case. Respondent's answer or other responsive pleading is due May
23 2, 2008, pursuant to this Court's April 3, 2008 Order Setting Briefing Schedule. I am unable to
24 meet this deadline, and request an enlargement of time to file a response to the petition for writ
25 of habeas corpus for the following reasons.

26 I was not the attorney who handled this case on direct appeal. In the past 30 days, I
27 have completed an answer to a petition for writ of habeas corpus in *Bedford v. Ayers* (06-0748
28 CW (PR)), a motion to dismiss a petition for writ of habeas corpus in *Weisner v. Evans* (07-

1 5509 SI (pr)), and a Ninth Circuit appellee's brief in *Ali v. Hickman* (07-16731). Due to my
2 work on these other cases, I am unable to file the response in this case by the current deadline.
3 Although completing the response in this case is my current priority, due to the numerous issues
4 raised by petitioner and the large size of the trial record, I am asking for a full 60 days to
5 complete the response out of an abundance of caution. For these reasons, I need additional time
6 to complete the response in this case.

7 I have not attempted to contact petitioner about this extension of time because he is an
8 incarcerated state prisoner who is representing himself.

9 Accordingly, I request that the Court grant respondent an extension of 60 days, to and
10 including July 1, 2008, in which to file a response to the petition.

11 I declare under penalty of perjury that the foregoing is true and correct.

12 Executed at San Francisco, California, on May 2, 2008.

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14 /s/ Michele J. Swanson
15 MICHELE J. SWANSON
16 Deputy Attorney General

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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA
8 SAN FRANCISCO DIVISION
9

10 **TREMAYNE J. COLLIER,**

11 Petitioner,

12 v.

13 **ANTHONY HEDGPETH, Warden,**

14 Respondent.
15

C 07-5964 SI (PR)

[PROPOSED] ORDER

16 GOOD CAUSE APPEARING, it is hereby ordered that respondent shall file with this
17 Court and serve upon petitioner, on or before **July 1, 2008**, an answer or other responsive
18 pleading to the petition for writ of habeas corpus. If respondent files an answer and petitioner
19 wishes to respond, he shall do so by filing a traverse with the Court and serving it on respondent
20 within 30 days of his receipt of the answer. If respondent files a motion to dismiss and petitioner
21 wishes to respond, he shall do so by filing an opposition or statement of non-opposition with the
22 Court and serving it on respondent within 30 days of his receipt of the motion. If respondent
23 wishes to reply to the opposition, he shall do so by filing a reply with the Court and serving it on
24 petitioner within 15 days of his receipt of the opposition.

25 IT IS SO ORDERED.
26

27 Dated: _____

The Honorable Susan Illston
28

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Collier v. Hedgpeth, Warden**

No.: **C 07-5964 SI (pr)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004.

On May 2, 2008, I served the attached **MOTION TO ENLARGE TIME TO FILE RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS; DECLARATION OF COUNSEL IN SUPPORT OF MOTION TO ENLARGE TIME TO FILE RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS; PROPOSED ORDER** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at San Francisco, California, addressed as follows:

Tremayne Collier
V-60930
Kern Valley State Prison
P.O. Box 5102 B3-130
Delano, CA 93216

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on May 2, 2008, at San Francisco, California.

D. Desuyo
Declarant

/s/ D. Desuyo
Signature